

HOUSE BILL 372

R5

2lr1826

By: **Delegate Howard**

Introduced and read first time: February 1, 2012

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Speed Cameras – Relocation of Camera**

3 FOR the purpose of prohibiting the relocation of a speed monitoring system or work
4 zone speed control system for the purpose of increasing the revenue generated
5 by the speed monitoring system or the work zone speed control system; and
6 generally relating to the relocation of speed monitoring systems and work zone
7 speed control systems.

8 BY repealing and reenacting, with amendments,
9 Article – Transportation
10 Section 21–809(b) and 21–810(b)
11 Annotated Code of Maryland
12 (2009 Replacement Volume and 2011 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article – Transportation**

16 21–809.

17 (b) (1) (i) A speed monitoring system may not be used in a local
18 jurisdiction under this section unless its use is authorized by the governing body of the
19 local jurisdiction by local law enacted after reasonable notice and a public hearing.

20 (ii) Before a county may use a speed monitoring system on a
21 State highway at a location within a municipal corporation, the county shall:

22 1. Obtain the approval of the State Highway
23 Administration;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 2. Notify the municipal corporation of the State
2 Highway Administration's approval of the use of a speed monitoring system at that
3 location; and

4 3. Grant the municipal corporation 60 days from the
5 date of the county's notice to the municipal corporation to enact an ordinance
6 authorizing the municipal corporation instead of the county to use a speed monitoring
7 system at that location.

8 (iii) 1. This subparagraph applies only in Prince George's
9 County.

10 2. In the county, a municipal corporation may
11 implement and use a speed monitoring system consistent with the requirements of
12 this subsection on a county highway at a location within its corporate limits if the
13 municipal corporation:

14 A. Submits to the county a plan describing the boundary
15 of the applicable school zone and the proposed location of the speed monitoring system;
16 and

17 B. Requests and receives permission from the county to
18 use the speed monitoring system at the proposed location.

19 3. If the county fails to respond to the request within 60
20 days, the municipal corporation may implement and use the speed monitoring system
21 as described in the plan submission.

22 4. The county may not:

23 A. Unreasonably deny a request under this
24 subparagraph; or

25 B. Place exactions, fees, or unreasonable restrictions on
26 the implementation and use of a speed monitoring system under this subparagraph.

27 5. The county shall state in writing the reasons for any
28 denial of a request under this subparagraph.

29 6. A municipal corporation may contest in the circuit
30 court a county denial of a request under this subparagraph.

31 (iv) In Prince George's County, if a municipal corporation has
32 established a school zone that is within one-quarter mile of a school zone established
33 in another municipal corporation, the municipal corporation may not implement or use
34 a speed monitoring system in that school zone unless it has obtained the approval of
35 the other municipal corporation.

1 (v) An ordinance or resolution adopted by the governing body of
2 a local jurisdiction under this paragraph shall provide that for a period of at least 30
3 days after the first speed monitoring system is placed in the local jurisdiction, a
4 violation recorded by any speed monitoring system in the local jurisdiction may be
5 enforced only by the issuance of a warning.

6 (vi) This section applies to a violation of this subtitle recorded by
7 a speed monitoring system that meets the requirements of this subsection and has
8 been placed:

9 1. In Montgomery County, on a highway in a residential
10 district, as defined in § 21–101 of this title, with a maximum posted speed limit of 35
11 miles per hour, which speed limit was established using generally accepted traffic
12 engineering practices;

13 2. In a school zone established under § 21–803.1 of this
14 subtitle; or

15 3. In Prince George’s County, on that part of a highway
16 located within the grounds of an institution of higher education as defined in §
17 10–101(h) of the Education Article, or within one-half mile of the grounds of a
18 building or property used by the institution of higher education where generally
19 accepted traffic and engineering practices indicate that motor vehicle, pedestrian, or
20 bicycle traffic is substantially generated or influenced by the institution of higher
21 education.

22 (vii) Before activating an unmanned stationary speed monitoring
23 system, the local jurisdiction shall:

24 1. Publish notice of the location of the speed monitoring
25 system on its website and in a newspaper of general circulation in the jurisdiction;

26 2. Ensure that each sign that designates a school zone
27 indicates that speed monitoring systems are in use in school zones; and

28 3. With regard to a speed monitoring system established
29 based on proximity to an institution of higher education under paragraph (1)(vi)3 of
30 this subsection, ensure that all speed limit signs approaching and within the segment
31 of highway on which the speed monitoring system is located include signs that:

32 A. Are in accordance with the manual and specifications
33 for a uniform system of traffic control devices adopted by the State Highway
34 Administration under § 25–104 of this article; and

35 B. Indicate that a speed monitoring system is in use.

1 (viii) A speed monitoring system in a school zone may operate
2 only Monday through Friday between 6:00 a.m. and 8:00 p.m.

3 (2) (i) A speed monitoring system operator shall complete training
4 by a manufacturer of speed monitoring systems in the procedures for setting up and
5 operating the speed monitoring system.

6 (ii) The manufacturer shall issue a signed certificate to the
7 speed monitoring system operator on completion of the training.

8 (iii) The certificate of training shall be admitted as evidence in
9 any court proceeding for a violation of this section.

10 (3) A speed monitoring system operator shall fill out and sign a daily
11 set-up log for a speed monitoring system that:

12 (i) States that the speed monitoring system operator
13 successfully performed the manufacturer-specified self-test of the speed monitoring
14 system prior to producing a recorded image;

15 (ii) Shall be kept on file; and

16 (iii) Shall be admitted as evidence in any court proceeding for a
17 violation of this section.

18 (4) (i) A speed monitoring system shall undergo an annual
19 calibration check performed by an independent calibration laboratory.

20 (ii) The independent calibration laboratory shall issue a signed
21 certificate of calibration after the annual calibration check that:

22 1. Shall be kept on file; and

23 2. Shall be admitted as evidence in any court proceeding
24 for a violation of this section.

25 **(5) A LOCAL JURISDICTION MAY NOT RELOCATE A SPEED**
26 **MONITORING SYSTEM FOR THE PURPOSE OF INCREASING THE REVENUE**
27 **GENERATED BY THE SPEED MONITORING SYSTEM.**

28 21-810.

29 (b) (1) A work zone speed control system that meets the requirements of
30 this subsection may be used to record the images of motor vehicles traveling on a
31 highway:

32 (i) Within a work zone;

1 (ii) That is an expressway or a controlled access highway as
2 defined in § 21-101 of this title; and

3 (iii) On which the speed limit, established using generally
4 accepted traffic engineering practices, is 45 miles per hour or greater.

5 (2) A work zone speed control system may be used only:

6 (i) On a highway as specified in paragraph (1) of this
7 subsection;

8 (ii) When being operated by a work zone speed control system
9 operator; and

10 (iii) If, in accordance with the Maryland manual on uniform
11 traffic control devices, a conspicuous road sign is placed at a reasonable distance
12 consistent with national guidelines before the work zone alerting drivers that a speed
13 monitoring system may be in operation in the work zone.

14 (3) A work zone speed control system may be used only to record the
15 images of vehicles that are traveling at speeds at least 12 miles per hour above the
16 posted work zone speed limit.

17 (4) (i) A work zone speed control system operator shall complete
18 training by the manufacturer of the work zone speed control system in the procedures
19 for setting up, testing, and operating the work zone speed control system.

20 (ii) On completion of the training, the manufacturer shall issue
21 a signed certificate to the work zone speed control system operator.

22 (iii) The certificate of training shall be admitted as evidence in
23 any court proceeding for a violation of this section.

24 (5) A work zone speed control system operator shall fill out and sign a
25 daily set-up log for a work zone speed control system that:

26 (i) States the date and time when and the location where the
27 system was set up;

28 (ii) States that the work zone speed control system operator
29 successfully performed, and the device passed, the manufacturer-specified self-tests
30 of the work zone speed control system before producing a recorded image;

31 (iii) Shall be kept on file; and

1 (iv) Shall be admitted as evidence in any court proceeding for a
2 violation of this section.

3 (6) (i) A work zone speed control system shall undergo an annual
4 calibration check performed by an independent calibration laboratory.

5 (ii) The independent calibration laboratory shall issue a signed
6 certificate of calibration after the annual calibration check that:

7 1. Shall be kept on file; and

8 2. Shall be admitted as evidence in any court proceeding
9 for a violation of this section.

10 (7) The procurement of a work zone speed control system by a unit of
11 State government shall be conducted in accordance with Title 13, Subtitle 1 of the
12 State Finance and Procurement Article.

13 **(8) A WORK ZONE SPEED CONTROL SYSTEM MAY NOT BE**
14 **RELOCATED FOR THE PURPOSE OF INCREASING THE REVENUE GENERATED BY**
15 **THE WORK ZONE SPEED CONTROL SYSTEM.**

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2012.